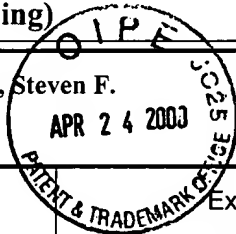


GP- 1616

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
ARC2865R3

In Re Application Of: Geerke, Johan H. , and Stone, Steven F.



Serial No.

09/324,343

Filing Date

06/02/99

Examiner

S. Sharareh

Group Art Unit

1616

Title:

**METHODS AND APPARATUS FOR DETERMINING FORMULATION ORIENTATION OF MULTI-LAYERED PHARMACEUTICAL DOSAGE FORMS**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is:

**Response to Restriction Requirement**

**Acknowledgement Postcard**

**Certificate of Mailing by First Class Mail (37 CFR 1.8)**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **01-1173** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
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*Paul B. Smith*  
Signature

Dated: **14 APRIL 2000**

I certify that this document and fee is being deposited on **14 April, 2000** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

*Katrina M. Ghafghaichi*  
Signature of Person Mailing Correspondence

**Katrina M. Ghafghaichi**

Typed or Printed Name of Person Mailing Correspondence

CC:

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**

Applicant(s): Geerke, Johan H. and Stone, Steven F.

Docket No.

ARC2865R3

Serial No.

09/324,343

Filing Date

06/02/99

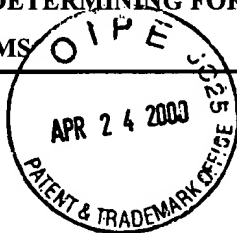
Examiner

Sharareh, S.

Group Art Unit

1616

Invention:

**METHODS AND APPARATUS FOR DETERMINING FORMULATION ORIENTATION OF MULTI-LAYERED PHARMACEUTICAL DOSAGE FORMS**I hereby certify that this Response to Restriction Requirement*(Identify type of correspondence)*

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

Assistant Commissioner for Patents, Washington, D.C. 20231 on

14 April, 2000  
*(Date)*Katrina M. Ghafghaichi*(Typed or Printed Name of Person Mailing Correspondence)*Katrina M. Ghafghaichi  
*(Signature of Person Mailing Correspondence)*

Note: Each paper must have its own certificate of mailing.



Applicant(s): Geerke and Stone  
Serial No.: 09/324,343  
Filed: June 2, 1999  
For: METHODS AND APPARATUS FOR DETERMINING FORMULATION ORIENTATION OF MULTI-LAYERED PHARMACEUTICAL DOSAGE FORMS

*P. Tucker*  
*#5*  
*5/3/00*

PATENT  
Docket No. ARC-2865-R3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	J.H. Geerke and S.F. Stone	)	Group Art Unit:	1616
		)		
Serial No.:	09/324,343	)	Examiner:	S. Sharareh
		)		
Filed:	June 2, 1999	)		
		)		
For:	METHODS AND APPARATUS FOR DETERMINING FORMULATION ORIENTATION OF MULTI-LAYERED PHARMACEUTICAL DOSAGE FORMS			

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington D.C. 20231

Sir:

In response to the Restriction Requirement dated March 14, 2000, Applicants submit the following remarks.

The Restriction Requirement

In response to the Restriction Requirement, Applicants hereby elect, with traverse, the claims set forth in Group III, (claims 18-31), drawn to methods of making a three-layer tablet and the tablets thereof. The Restriction Requirement is hereby traversed on the basis that restriction requirements are optional in all cases (M.P.E.P. §803). If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions (M.P.E.P. §803).

Applicant(s): Geerke and Stone  
Serial No.: 09/324,343  
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In the present application, as the elected claims are closely related to the claims of Group I (drawn to methods of detecting the formulation orientation of a tablet), and Group II (drawn to methods of preparing a multi-layer capsule-shaped tablet), the search and examination of all the claims can be made without serious burden upon the Patent Office. In particular, the claims of Groups I and II can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the other.

Thus, were final restriction to be effected between the claims of Groups I, II, and III, a separate examination of the claims in these groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I, II, and III, would have to be as rigorous as when only the claims of Group III, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims are so interrelated. Furthermore, Applicants respectfully submit that for restriction to be effected between the claims in Groups I, II, and III, it would place an undue burden upon the Applicants by requiring payment of separate filing fees for examination of the nonelected claims, as well as the added costs associated with prosecuting three applications and maintaining three patents.

Applicant(s): Geerke and Stone  
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**Summary**

The Examiner is invited to contact Applicants' Representative at the below-listed telephone number if it is believed that prosecution of the above-identified application can be assisted or expedited.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 14 day of April, 2000.

Katrina M. Ghafghaichi  
Katrina M. Ghafghaichi

4-14-00

Date

PBS/kmg

Respectfully submitted,  
J.H. Geerke and S.F. Stone  
By their Representatives,  
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1900 Charleston Road  
Mountain View, CA 94039-7210

By:

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